

REMARKS/ARGUMENTS

Claims 1-3 and 5-7 are pending in the subject application. Claims 4 and 8-13 are canceled herein.

Claims 1, 5 and 6 have been amended to recite that the claimed nucleotide sequence has the sequence of SEQ ID NO: 2 or is the complement of a nucleotide sequence that hybridizes thereto under moderate stringency conditions. This amendment is supported by the disclosure at page 5, first paragraph, where it is disclosed that homologous DNA sequences of the invention can be isolated *via* cross-hybridization under standard hybridization conditions of moderate stringency.

Rejection of Claims 1 and 5-7 Under 35 U.S.C. § 112, Second Paragraph (Enablement)

Claims 1 and 5-7 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to meet the enablement requirement. The examiner asserts that it would require undue experimentation to determine which proteins fall within the scope of the claims.

This rejection is respectfully traversed as follows.

The claims have been amended to recite that the claimed polynucleotide has a specified nucleotide sequence (SEQ ID NO:2) or is a sequence that hybridizes to the complement of SEQ ID NO:2 under defined conditions. Furthermore, the claims recite that the claimed polynucleotide sequence encodes a polypeptide having HL activity. As such, the skilled practitioner can readily isolate polynucleotides that fall within the scope of the claims without undue experimentation. Thus, the specification provides sufficient guidance to enable the skilled practitioner to make and practice the claimed invention.

It is respectfully submitted that the claims are enabled by the specification and therefore, the rejection of claims 1 and 5-7 under 35 U.S.C. § 112, first paragraph is respectfully traversed.

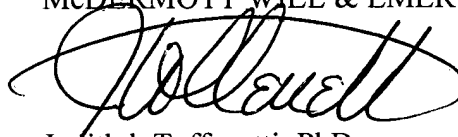
Application No. 10/718,265

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. § 1.17 and due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "J. Toffenetti", written over the printed name.

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